

AMENDED IN ASSEMBLY APRIL 14, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 863

Introduced by Assembly Member Niello

February 26, 2009

An act to amend Section 13070 of the Government Code, relating to the Department of Finance 11887.1 of the Public Utilities Code, relating to municipal utility districts.

LEGISLATIVE COUNSEL'S DIGEST

AB 863, as amended, Niello. ~~Department of Finance: supervisory powers. Public utilities: municipal districts: civil service exemptions.~~

Under existing law, the general manager of a municipal utility district is required to adopt a civil service system for the selection, examination, employment, classification, advancement, suspension, and discharge of employees.

Existing law allows the board of directors of a municipal utility district with 600 or more employees to appoint up to 15 employees to positions requiring peculiar and exceptional qualifications who are exempt from the district civil service system. Additionally, the board of a district which has owned and operated an electric distribution system for at least eight years and has a population of 250,000 or more may determine that additional positions be exempt from district civil service, so long as the total number of these exempt positions does not exceed 2% of the total civil service positions of the district.

This bill would raise the maximum percentage of exempt employees the board of a district meeting the necessary requirements may appoint from 2% of the total civil service positions of the district to 5%.

~~Under existing law, the Department of Finance has general powers of supervision over all matters concerning the financial and business policies of the state, and whenever it deems it necessary, or at the instance of the Governor, the department is required to institute or cause the institution of investigations and proceedings as it deems proper to conserve the rights and interests of the state.~~

~~This bill would make technical, nonsubstantive changes to this provision.~~

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SEC. 1. Section 11887.1 of the Public Utilities Code is amended*
2 *to read:*

3 11887.1. The board of a district which has owned and operated
4 an electric distribution system for at least eight years and has a
5 population of 250,000 or more may, notwithstanding Section
6 11887, determine that additional positions requiring peculiar and
7 exceptional qualifications, including, but not limited to, those of
8 a scientific, professional, or expert character or of special
9 confidence, or positions with significant managerial responsibility,
10 shall be exempt from the district civil service if the total number
11 of these exempt positions, including the exempt positions filled
12 pursuant to Section 11887, does not exceed 2.5 percent of the total
13 civil service positions of the district. However, the board may not
14 determine any position to be exempt as long as that position is
15 filled by an employee appointed pursuant to the district civil
16 service.

17 ~~SECTION 1. Section 13070 of the Government Code is~~
18 ~~amended to read:~~

19 ~~13070. The department has general powers of supervision over~~
20 ~~all matters concerning the financial and business policies of the~~
21 ~~state and whenever it deems it necessary, or at the instance of the~~
22 ~~Governor, shall institute or cause the institution of investigations~~
23 ~~and proceedings as it deems proper to conserve the rights and~~
24 ~~interests of the state.~~